



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 2] नई दिल्ली, सोमवार, मार्च 12, 1990/फाल्गुन 21, 1911
No. 2] NEW DELHI, MONDAY, MARCH 12, 1990/PHALGUNA 21, 1911

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 12th March, 1990.

BILL NO. 31 OF 1990

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1990.

(2) It shall be deemed to have come into force on the 19th day of February, 1990.

2. In the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code of Criminal Procedure), in Chapter XII, after section 166, the following sections shall be inserted, namely:—

“166A. (1) If, in the course of an investigation into an offence, the investigating officer or an officer superior in rank to the investigating officer, has reason to believe that evidence may be available in a country or place outside India, he may issue a letter of request—

(i) to the authority competent to investigate such offence in that country or place to examine orally any person supposed to be acquainted with the facts and circumstances of the case and to reduce into writing any statement made in the course of such examination and also to require such person or any other person

Short
title
and com-
mence-
ment.

Insertion
of new
sections
166A and
166B.

Letter of
request to
competent
authority
for inves-
tigation
in a
country
or place
outside
India.

2 of 1974.

to produce any document or thing which may be in his possession pertaining to the case; or

(ii) to the authority competent to direct such an investigation in that country or place to cause it to be made in like manner,

and to forward all the evidence so taken or collected or the authenticated copies thereof or the thing so collected to the officer issuing such letter.

(2) Notwithstanding anything contained in sub-section (1), if, in the course of an investigation into an offence, an application is made by the investigating officer or any officer superior in rank to the investigating officer that evidence may be available in a country or place outside India, any Criminal Court may issue a letter of request to a Court or an authority in that country or place competent to examine orally any person supposed to be acquainted with the facts and circumstances of the case and also to require such person or any other person to produce any document or thing which may be in his possession pertaining to the case and to forward all the evidence so taken or collected or the authenticated copies thereof or the thing so collected to the Court issuing such letter.

(3) The letter of request shall be transmitted in such manner as the Central Government may specify in this behalf.

(4) Every statement recorded or document or thing received under sub-section (1) or sub-section (2) shall be deemed to be the evidence collected during the course of investigation under this Chapter.

Letter of request from a country or place outside India to a Court or an authority for investigation in India.

166B. (1) Upon receipt of a letter of request from a Court or an authority in a country or place outside India competent to issue such letter in that country or place for the examination of any person or production of any document or thing in relation to an offence under investigation in that country or place, the Central Government may, if it thinks fit—

(i) forward the same to the Chief Metropolitan Magistrate or Chief Judicial Magistrate or such Metropolitan Magistrate or Judicial Magistrate as he may appoint in this behalf, who shall thereupon summon the person before him and record his statement or cause the document or thing to be produced; or

(ii) send the letter to any police officer for investigation, who shall thereupon investigate into the offence in the same manner,

as if the offence had been committed within India.

(2) All the evidence taken or collected under sub-section (1), or authenticated copies thereof or the thing so collected, shall be forwarded by the Magistrate or police officer, as the case may be, to the Central Government for transmission to the Court or the authority

issuing the letter of request, in such manner as the Central Government may deem fit."

Ord.
1 of 1990.

3. (1) The Code of Criminal Procedure (Amendment) Ordinance, 1990 is hereby repealed.

Repeal
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the Code of Criminal Procedure, as amended by the said Ordinance, shall be deemed to have been done or taken under the Code of Criminal Procedure, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The investigating authorities in India were handicapped in collecting evidence, available in a foreign country or place, in respect of a crime committed by a citizen of India outside the country, due to the absence of a specific provision in the Code of Criminal Procedure, 1973. Hence an Ordinance was promulgated on the 19th February, 1990 to amend the Code for the purpose.

2. A new section 166A had been inserted in the Code to enable the investigating authorities and the Criminal Courts to issue letter of request to their counterparts in foreign countries to collect evidence and transmit the same to the authority or Court issuing such letter. Every evidence so collected shall be deemed to be evidence collected during the course of investigation.

3. Having regard to the principle of reciprocity, another section, namely, section 166B, had also been inserted in the Code for facilitating letters of request to be sent by foreign investigating agencies or Courts to their counterparts in India for similar purposes.

4. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;
The 6th March, 1990.

MUFTI MOHAMMED SAYEED.

SUBHASH C. KASHYAP,
Secretary-General.